

REMARKS

Claims 5-6 have been canceled.

Claim 1 has been amended.

Claims 12-14 have been added.

Claims 1-4 and 7-14 are pending.

Specification

The Office Action objected to the disclosure because the specification recites a density range for the polyethylene in the layer to be metallized but it does not include units for the density values. Applicant has included the appropriate units of g/cc in the appropriate areas of the specification.

Claim Objections

Applicant has amended the claims to include the appropriate units of g/cc for the density.

Claim Rejections

35 U.S.C. §112

The Office Action rejected Claims 1-8 and 10-11 under 35 U.S.C. 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Office Action stated that the term "thin metal layer" in Claim 1 is a relative term which renders the claims indefinite.

Applicant has amended the claims to remove the term “thin” that modifies “metal layer”. Applicant has further amended the specification and the claims to include a typical range of thicknesses for the metal layer. Applicant submits that this range is not new matter because the specification and the claims has disclosed a film structure having a range of total thickness. The film structure includes a metal layer. The range of thicknesses in the amendments falls well within the total thickness already disclosed in the specification and the claims.

35 U.S.C. §102

The Office Action rejected Claims 1-4 and 7-11 under 35 U.S.C. 102(a) as being anticipated by Migliorini et al (USPN 5,194,318). Applicant respectfully traverses the rejection. Specifically, the Office Action states that the Migliorini patent discloses a “...metallizable surface layer of *high density polyethylene* (emphasis added)...” Applicant’s claimed invention specifically claims a medium density polyethylene layer. Applicant further submits that the Migliorini reference explicitly states the high density range in both the specification and the claims. (See Specification Col. 1, lines 65-67, and Claim 1, both explicitly stating a range of about 0.960 or greater)

Applicant has amended Independent Claim 1 in order to incorporate the medium density limitation.

The Office Action further rejected Claims 1-2 and 5-11 under 35 U.S.C. 102(a) as being anticipated by Bader et al (USPN 5,972,496). Applicant respectfully traverses the rejection. Bader does disclose that several metallizable polymeric materials can be utilized including medium density polyethylene. (See Specification Col. 4, lines 61-67). However, the specification does also limit the density ranges in which the invention can be enabled. Specifically, the specification states that the

density ranges from 0.94 to 0.96 g/cm³ and over. (See specification Col. 5, lines 6-7). The Office Action further notes that the Bader reference discloses “a density between about 0.94 and 0.96 /cc,…”

Applicant submits that the references themselves disclose explicit density range limitations in which the metallization is possible. Applicant submits that Applicant has attained a larger density range in which metallization is possible, that is, 0.92 - 0.956. (See Applicant's Specification, page 7, lines 9-10, for example) Applicant therefore has amended independent Claim 1 to include not only the medium density limitation, but to a range of about 0.92-0.94, which is not claimed in either of the references. Furthermore, Applicant submits that this limitation is not only novel but also non-obvious because there is no teaching or suggestion of that range in either of the references. Applicant therefore submits that amended Claim 1 is novel and non-obvious as to a medium density polyethylene layer having a density range of 0.92-0.94 and is allowable. Dependent Claims 2-4 and 7-11 depend from allowable Claim 1 and are also now allowable.

35 U.S.C. §103

The Office Action rejected Claims 3-4 under 35 U.S.C. 103(a) as being unpatentable over Bader et al in view of Migliorini et al. Applicant submits that the arguments and amendments outlined above render this rejection moot since Claims 3-4 depend from now allowable Claim 1.

New Claims 12-14

Applicant has added new dependent Claims 12-13 for which support can be found in the specification on page 7, lines 10-12. Applicant has also added dependent Claim 14, which has added a metal thickness range. Applicant submits that support can be found on the newly added paragraph in the specification as described above, which is not new matter as further described above.

If Examiner has any questions regarding this document, Applicant asks that Examiner contact the undersigned immediately by telephone.

Respectfully submitted,



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